



Rio Grande Valley Levee/Border Wall System Construction Projects  
(Fiscal Year 2018)  
Stakeholder Feedback Report

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## 1. Introduction and Background

The United States Customs and Border Protection (CBP) is planning for the Fiscal Year 2018 Rio Grande Valley (RGV) Levee/Border Wall System construction projects. The construction projects include: (1) designing and constructing approximately 25 miles of levee wall system in Hidalgo County, Texas; and (2) designing and constructing approximately eight (8) miles of border wall system in Starr County, Texas, with an option for an additional four (4) miles. CBP utilizes a comprehensive approach to border security that leverages local, state, and federal law enforcement partners and use of technology, infrastructure, and enforcement personnel to secure the Southwest border. The RGV levee/border wall system is one element of CBP's approach to border security that provides persistent impedance and denial to illegal cross-border activity.

As part of the planning process for the RGV Levee/Border Wall System construction projects, CBP sought input from the public on potential impacts to the environment, culture, commerce, and quality of life. This input will be used to inform the development of an Environmental Stewardship Plan.

### *1.1 About Environmental Stewardship Plans*

In October 2018, the Secretary of Homeland Security determined that it was necessary to waive certain environmental laws and regulations in order to expedite construction of barriers in two project areas in the Rio Grande Valley. The waiver includes various environmental, natural resource, and land management laws, including the National Environmental Policy Act (NEPA) and the Endangered Species Act (ESA). The Secretary of Homeland Security's waiver authority is set out in section 102(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended ("IIRIRA").

Though certain laws and regulations have been waived, the Department of Homeland Security (DHS) remains committed to environmental stewardship. CBP complies with this commitment through the development of the Environmental Stewardship Plan, which outlines construction Best Management Practices to eliminate or minimize environmental impacts to the greatest extent practicable.

### *1.2 Purpose of this Report*

The purpose of this report is to summarize the input received during the public comment process in order to provide stakeholders and the public transparency into the environmental, cultural, and socioeconomic issues that will be considered during the development of the Environmental Stewardship Plan. It does not present individual comments received or provide responses to the comments.



## 2. Public Input Process

An initial notification inviting input was sent to federal, state, and local agencies, environmental Non-governmental Organizations (NGOs), and local landowners in July 2018. Based on feedback received from the public, CBP:

1. Extended the comment period for an additional 60 days – from September 6, 2018 to November 6, 2018;
2. Expanded the distribution list to additional community members and academics; and
3. Provided notification and informational materials in both English and Spanish.

Notification of the public input process was distributed in English and Spanish through letters, e-mails, media advisory, print and digital advertisements, webinars, and flyers posted in local community centers and libraries. Notification materials are included as an appendix to this report.

Comments were collected primarily through e-mail and mail. In order to create a space for a broader stakeholder involvement, CBP staff had in-person and phone meetings with landowners, environmental experts, and other stakeholders who reached out directly.

In addition, CBP staff plan to continue meeting with impacted stakeholders and knowledgeable individuals throughout the process.

### 2.1 Digital Communication

CBP hosted two webinars that were open to the general public to provide an overview of the proposed projects and the information CBP is seeking from the public. Attendees had the opportunity to submit questions through the webinar platform and a complete compilation of questions and answers were posted on CBP.gov.

To facilitate access to information about the project and promote transparency, several updates were made to the CBP.gov website in support of the public input process, including posting of the scoping letter and associated materials, webinar presentation, questions and answers, and presentation supplementary notes in both English and Spanish.

### 2.2 Public Feedback Review

All comments received by CBP were reviewed. Of the 36,077 comments received, 2,711 comments were unique and the remaining were form letters. As the comments were received, they were reviewed and categorized by environmental, economic, cultural, and quality of life based on their primary topic of concern.

Comment review was conducted based on explicit concerns; comments that were not specific or contained vague statements were not interpreted by the reviewers. Comments that provided substantive information were further assessed by CBP to determine the validity of the data and incorporation of the relevant information into the assessment of environmental



impacts. As a next step, CBP will develop an Environmental Stewardship Plan that will incorporate relevant information and data obtained from the public feedback process.

### **3. Summary of Public Feedback**

The following summarizes important considerations for CBP's review of impacts provided by the public during the public comment period.

#### *3.1 Waiver of Environmental Laws*

Nine commenters expressed opposition to or concern over waiving environmental laws to expedite border wall construction. Many comments indicated that waiving environmental laws might undermine the rule of the law and set a dangerous precedent for the environment. Comments also mentioned specific laws that were waived, such as the National Environmental Policy Act and Endangered Species Act, and provided information on why those laws should not be waived.

#### *3.2 Landscape/Views/Visual Impacts*

The 19 comments regarding landscape and obstructed views were primarily directed towards a wall being built in West Texas. The commenters expressed concerns that a wall would damage the beauty of the natural landscapes and would damage the natural beauty of state and national parks. The National Butterfly Center and Bentsen-Rio Grande Valley State Park were specifically mentioned. Big Bend National Park was also mentioned in the comments, although Big Bend National Park is not included in the geographic scope of the current projects.

#### *3.3 Property*

A total of 122 commenters expressed concern that the border wall would result in CBP taking or destroying individual's private property. They stated that building a wall would violate property owners' Fifth Amendment rights, disrupt or harm farms in the area, and could contribute to and increase flooding in local neighborhoods. Commenters indicated that, in addition to preventing water from draining properly, a wall could also contribute to debris buildup.

#### *3.4 Historical Preservation*

Thirty-six commenters provided information on historic resources that could be within the footprint of the wall. Commenters indicated that, in Hidalgo County, the wall could impact La Lomita Chapel, the Louisiana-Rio Grande Canal Company irrigation system, Eli Jackson cemetery, Jackson Ranch Church, Rancho Toluca, San Juan Plantation, and the Donna-to-Brownsville levee. In Starr County, commenters indicated the wall could impact Roma City Hall, Noah Cox House, Old Garcia Home, Knights of Columbus Hall, Roma-San Pedro International Bridge, Fort Ringgold Historic District, and the Rio Grande City downtown Historic District. Records indicate that the proposed project area has not been surveyed for cultural



resources and commenters suggested the area be surveyed before the construction process begins.

### *3.5 Cost*

A total of 1,299 commenters stated that the high cost of the border wall does not justify the potential environmental impacts. Some expressed concern that the lack of a cost-benefit analysis can result in ineffective spending. Others believed that the high cost of the wall will increase the national debt. Some suggested that spending money on other types of national security would be more beneficial than a border wall, and provided suggestions such as deploying additional Border Patrol agents to prevent river crossings and equipping port cities with enhanced detection technology.

### *3.6 Ecosystem/Wildlife/Habitat*

A total of 474 commenters conveyed concern that a border wall will damage the unique ecosystem and wildlife in the area, including approximately 50 federally endangered or threatened species. Comments suggested the wall would have a negative effect on slow-moving terrestrial animals, some of which are listed as threatened or endangered species in the state of Texas. Other comments specifically mentioned the Texas tortoise, Texas horned lizard, and indigo snake as wildlife that could be impacted.

Many commenters also stated that the wall would negatively impact the wildlife and the environment by interrupting and preventing migration of animals, fragmentation and destruction of habitat, fragmentation of available mates from Mexican and American animal populations, as well as the probability of large loss of life during a flood. Commenters noted that building a wall would reduce the area, quality, and connectivity of plant and animal habitats. Some provided specific information on the potential areas impacted. Commenters noted that the project could potentially degrade or destroy up to 6,525 acres of land and could remove animals' access north of the levee to the Rio Grande for water during the summer months when temperatures regularly reach over 100 degrees. One commenter noted that less than one percent of Tamaulipan Thornscrub habitat remains in the lower Rio Grande Valley and building the wall and associated 150-foot enforcement zone could impact this habitat along with important riparian habitat near the Rio Grande River.

Other comments included concerns over the wall in Arizona because it could impede jaguar movements between U.S and Mexico and harm the U.S. jaguar population, Peninsular bighorn sheep, and Mexican gray wolf population. The geographic scope of the current projects does not include Arizona.

### *3.7 Tourism/Ecotourism/Recreation*

There were 205 comments regarding tourism, ecotourism, and recreation. Commenters suggested that fragmenting public and private property will negatively impact ecotourism. One commenter included a link to a study conducted by Texas A&M that concluded ecotourism, primarily birding, contributes \$493 million to the local economy annually.



Commenters also suggested the wall could negatively impact Bentsen-Rio Grande Valley State Park, the parks that are a part of the World Birding Center, the Lower Rio Grande Valley National Wildlife Refuge, and the National Butterfly Center by restricting access to trails and decreasing tourist interest. Someone also indicated a concern about the wall negatively impacting the bike trail near 15<sup>th</sup> Street in Hidalgo County. Other comments indicated concern that the state will be forced to close Bentsen-Rio Grande Valley State Park, which is part of the World Birding Center, resulting in a big loss to the local economy and the state of Texas.

The Sabal Palm sanctuary, Big Bend National Park, Big Bend Ranch State Park, Santa Ana National Wildlife Refuge, and Black Gap Wildlife Management area were also mentioned in the comments although the geographic scope of the current projects does not include those areas.

### *3.8 Border Security*

A total of 269 comments indicated support for increased border security. However, many commenters questioned the effectiveness of a border wall in preventing drug trafficking or crime in the U.S. because illegal immigrants can use other tactics such as tunnels, ladders, or trafficking through port cities. Other comments indicated the border wall would be successful at increasing border security and encouraged development.

### *3.9 Trade*

Sixteen comments communicated their concerns over a wall causing a trade war with Mexico, which could negatively impact U.S. consumers.

### *3.10 Tribal lands*

Another category of comments included references to tribal lands. A total of 26 commenters were concerned about the impact to tribal lands. One commenter indicated that the Bentsen-Rio Grande Valley State Park is a sacred site for the Carrizo/Comecrudo tribe, and they use the area for ceremonies. Other comments suggested that a wall would also negatively impact the Native American communities of Lipan Apache (South Texas). The Kickapoo (Eagle Pass) and the Ysleta del Sur Pueblo (El Paso) were also mentioned in comments although the geographic scope of the current projects does not include known tribal lands.

### *3.11 Form Letters*

A total of 33,366 form letters were received from five environmental organizations. Each organization authored the form letter and encouraged members and the general public to submit them in response to the request for public comments. These letters stated opposition to development of the border wall and cited many of the same concerns captured above, including: cost, potential flooding, impacts to endangered species, migration routes and habitat, waiver of environmental laws, and impacts to Bentsen-Rio Grande Valley State Park. All form letters were reviewed for any original content added by the sender and any unique information was evaluated.



#### **4. Review Next Steps**

The solicitation of public input on potential environmental impacts is the first step in developing the Environmental Stewardship Plan. Other possible impacts, such as to culture, commerce, and quality of life will also be taken into consideration during the planning and construction process. The plan will incorporate data and information received during the public comment period, as well as from cultural and biological surveys completed within the project areas. The Environmental Stewardship Plan will be released to the public through CBP.gov upon completion, which is planned for May 2019.